SASKATCHEWAN

HUMAN RIGHTS COMMISSION

ANNUAL REPORT

2000-2001

Promoting *Dignity* and *Equality* for all

The Saskatchewan Human Rights Code

The Legislative Assembly unanimously passed *The Saskatchewan Human Rights Code* in 1979. The *Code* sets out the fundamental freedoms and equality rights of all members of the human family and prohibits the infringement of those rights in important areas of public life.

Part I of the *Code* protects the right to freedom of conscience, religion, expression, and association; the right to vote in provincial elections; and the right to freedom from arbitrary arrest or detention.

Part II of the *Code* prohibits discriminatory policies and practices in employment, education, public services, housing, contracts, publications, professional associations and trade unions. It is illegal to discriminate in these areas on the basis of:

- age (18-64)
- ancestry, race or colour
- family status
- marital status
- nationality or place of origin
- physical or mental disability
- receipt of public assistance
- religion or creed
- sex (covers sexual harassment and pregnancy discrimination)
- sexual orientation

The *Code* empowers the Commission to approve special programs designed to prevent, eliminate or reduce disadvantages suffered by groups of individuals because of a prohibited ground of discrimination. To date, the Commission has approved equity programs for four groups: women, Aboriginal peoples, people with disabilities, and members of visible minorities.

The *Code* also requires the Commission to conduct research and public education designed to eliminate discrimination and further the principles of individual equality and cultural diversity.

The Commission or the Director may grant exemptions from the *Code*, where this is necessary and advisable.

Commission staff units work together to fulfill the Commission's mandate. The investigation and legal units are primarily responsible for processing human rights complaints. The public and special programs unit is responsible for exemptions, equity programs, communications and public education.

Amendments were made to the *Code* in June of 2000. It is expected the amendments will be proclaimed in force during the next fiscal year.

"Human-rights legislation is thus one instrument we have devised to strengthen civic courage and deepen the capacity of individuals to stand up for each other."

—Michael Ignatieff, *The Rights Revolution*

102-00002/

September, 2001

The Honourable Chris Axworthy, Q.C.
Minister of Justice
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Minister Axworthy:

In accordance with *The Saskatchewan Human Rights Code*, it is my privilege to submit to you the 2000-2001 Annual Report of the Saskatchewan Human Rights Commission.

This report reflects the activities of the Commission from April 1, 2000 to March 31, 2001.

Sincerely,

Donna Scott

Donna Scott
Chief Commissioner and Director

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Chief Commissioner's Message

This was a year of "endings and new beginnings". Change and transition very much characterized the activities and events at the Commission during 2000-2001. Amendments to our legislation, new directions in the delivery of our services, participation in the international fight against racism and the retirement of one of the pillars of our Commission, all made for a challenging year. All this, at a time when our complaint caseload increased by an astounding 28 percent!

Amendments to *The Saskatchewan Human Rights Code* were passed by the legislative assembly in June 2000. The amendments are in response to the *Code* review report, *Renewing the Vision*, which put forward a number of recommendations for modernizing the *Code* and the human rights system in Saskatchewan. The amendments streamline the complaint process and will allow more flexibility in resolving complaints. For the first time, a human rights tribunal panel will be established, paving the way for the development of a consistent body of human rights jurisprudence in our province. We look forward to the implementation of these new provisions.

The Commission strongly advocated for inclusion of "social condition" as a new protected ground in the *Code*. "Social condition" in this context, usually refers to social and economic disadvantage. Inclusion of "social condition" as a protected ground would prohibit discrimination on the basis of such conditions as poverty, homelessness and illiteracy. In last year's Annual Report, I noted that differences in social and economic status are as much a source of inequality as ancestry, gender and disability.

There is increasing recognition that such protection belongs in human rights legislation. The UN Committee on Economic, Social and Cultural Rights, the Canadian Senate and the Canadian Association of Statutory Human Rights Agencies have all urged federal, provincial and territorial governments to expressly incorporate protection of social and economic rights in human rights legislation. In June 2000, a panel charged with reviewing the *Canadian Human Rights Act* recommended that "social condition" be added as a protected ground to that *Act*.

We are disappointed our provincial government chose not to strengthen the protection of the poor from discrimination, at this time. It is my hope that, as a province, we can increase our awareness of this form of discrimination and move swiftly to protect against it.

This year we began to address our concern about our service to residents of northern Saskatchewan. I have had the opportunity, along with the Provincial Ombudsman and the Children's Advocate, to meet with community leaders and residents in the north, to determine how we can better serve the people in those communities.

Many residents raised concerns related to their social and economic human rights. The lack of adequate, affordable housing, poor access to health care services and insufficient education resources to address the special needs of children living in northern communities, were some of the most pressing issues raised.

In spite of these challenges, it is clear that people living in the north have a real desire to take responsibility for making positive changes in their communities. I look forward to continuing to learn from them in the upcoming year, as we continue our visits to northern Saskatchewan.

The Commission became involved, this year, in the preparations for the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), which will take place in Durban, South Africa in 2001. Our Commission, along with non-governmental organizations and federal government officials, participated in consultations in our own province and in Ottawa. These consultations served to inform the preparatory work of governmental and non-governmental agencies, for WCAR.

Human rights commissions play a unique role in the fight against racism. In our daily work, we see the persistence of racism and its damaging results. The individuals who come to us for help describe how negative stereotypes and institutional bias cause unemployment, workplace discrimination, alienation in the classroom, denial of housing and demeaning or harmful treatment in everyday life.

The World Conference Against Racism provides an opportunity for our Commission, our province and our country to engage in open discussion about racism and to develop a plan of action and long-term strategy, not only to take to South Africa, but also to implement here at home, after the world conference has concluded.

Finally, this year marked one significant "ending" — long time staff member, Donalda Ford, retired after almost 30 years with the Saskatchewan Human Rights Commission. Donalda began working with the

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Chief Commissioner's Message

Commission in 1973, just months after the Commission was established. She worked in various capacities, including secretary, investigator, Director of Education, Director and Assistant Director.

Throughout her career, Donalda was instrumental in the advancement of human rights in our province. Over the years, "Donalda Ford" and the "Saskatchewan Human Rights Commission" became synonymous, their identities becoming inextricably linked. In 1998, Donalda's work in human rights earned her a national award from the League for Human Rights of B'nai Brith Canada. I personally consider it a privilege to have been one of the many Chief Commissioners to work with Donalda Ford. I know she will be missed by the staff and Commissioners, however, I am certain she will continue to make a contribution toward the betterment of our world.

This is my fifth annual report. In looking back over the past five years, I believe as a Commission, we have made significant progress in our work to promote human rights in our province. We have established strong and long-lasting partnerships in the community, improved our processes and systems, enhanced public awareness and understanding of human rights and advanced the principle of equality even when it has not been popular to do so. I commend the Commission staff for their unwavering dedication to the work of promoting dignity and equality for all.

Donna Scott

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Chief Commissioner and Director

"People who live in poverty are subject to widespread systemic discrimination. These people are routinely denied housing and access to services and they are reviled in popular culture as being morally inferior. People who live in poverty are not even on the political agenda. They are marginalized to the point of invisibility. This is precisely the kind of societal disadvantage and exclusion that human rights legislation is meant to alleviate."

—Canadian Bar Association - B.C. Branch, Human Rights Working Group

+1 +10

Mission Statement and Goals

Mission Statement

We promote and protect individual dignity, fundamental freedoms and equal rights of all members of the human family.

Goals

The Commission's goals, derived from *The Saskatchewan Human Rights Code*, are to:

- Discourage and eliminate discrimination
- Investigate and resolve discrimination complaints quickly and effectively
- Support, and seek remedies for, individuals and groups who suffer discrimination
- Promote, approve and monitor employment and education equity programs
- Carry out and promote research and education strategies to advance the principles of equality and diversity and encourage understanding of human rights issues
- Provide leadership on human rights-related public policy development and implementation
- Promote advances in human rights legislation and protection

"...the rights revolution is a story of inclusion, of how previously excluded groups obtained rights of equality. In this regard, the extension of rights has widened and deepened our democracy. In a second sense, however, the rights revolution has been about protecting certain groups from the effects of democracy...In other words, rights have a double-sided relationship to democracy. Rights enacted into law by democratically elected representatives express the will of the people. But there are also rights whose purpose is to protect people from that will, to set limits on what majorities can do."

—Ignatieff, pp. 1 & 2

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Highlights

Amendments to the Saskatchewan Human Rights Code

In May 2000, a bill was introduced to amend *The Saskatchewan Human Rights Code*.

The amendments to the *Code* are the result of recommendations contained in *Renewing the Vision – Human Rights in Saskatchewan*, a comprehensive study conducted by the Commission and released in 1996.

Changes to the *Code* are both substantive and structural. They streamline and add flexibility to the complaint process, change some of the grounds of discrimination, create a human rights tribunal panel and enhance the remedy and enforcement provisions.

The amendments to the *Code* are expected to be proclaimed in 2001.

Physical Accessibility Standards Guidelines Upgraded

In January 2001 the Commission amended the *Physical Accessibility Standards Guidelines*, a document first developed in 1980. These guidelines provide public notice of the standards the Commission will use when assessing the physical accessibility of public buildings, services, facilities and accommodation. The guidelines incorporate standards set out in *The National Building Code of Canada* and Saskatchewan's *Uniform Building and Accessibility Standards Act and Regulations*, but are more stringent in some respects. For example, the Commission's guidelines require the accommodation of mobility assistive devices such as wheelchairs, scooters and walkers. The Commission publicized the amended guidelines through distribution to architects, engineers, developers and government officials throughout the province.

Reaching Out to Northern Residents

While the Commission's mandate is to serve all residents of the province, the Commission receives relatively few complaints from people living in the north. At one time, the Commission operated an office in Prince Albert, to provide greater access to northern residents. Because of budget pressures, that office was closed a number of years ago.

The Chief Commissioner is concerned that the Commission is not adequately serving the needs of northern residents, and has decided to travel, together with the Provincial Ombudsman and the Children's Advocate, to northern communities. The purpose is to learn more about how each respective office can more effectively provide service in the north.

In November 2000, the Provincial Ombudsman, the Children's Advocate and the Chief Commissioner attended meetings with community leaders and the public in the communities of Beauval and La Loche. They were encouraged by the warm and interested reception they received from members of those communities.

Residents expressed concerns related to their social and economic rights, including access to housing, health care and education.

The Chief Commissioner is committed to improving the Commission's service to the north. Plans are being made to meet with community leaders and residents of other northern communities in 2001, before implementing a more long-term strategy to better protect and promote the human rights of people living in the north.

Policy on Drug and Alcohol Testing Ratified

In November 2000 the Commission adopted a policy on alcohol and drug testing. The Commission realizes that drug and alcohol use is an important issue for some employers. They may wish to ensure that no alcohol or illegal drugs are brought into the workplace and that their employees are free from the influence of drugs and alcohol during hours of work. In some jobs, employees whose judgment is impaired by alcohol or drugs may place themselves or others at risk of serious harm. To address these concerns, some employers are implementing drug and alcohol testing programs.

Prohibiting employees from possessing, using or being under the influence of illegal drugs or alcohol while in the workplace does not violate the *Code*. However, unnecessary testing and automatic or severe discipline for positive test results may conflict with the rights of employees to non-discriminatory treatment.

The Commission accepts these principles when assessing allegations of discrimination:

- Testing identifies persons with disabilities and targets them for discriminatory treatment. Therefore, in most situations testing will not be allowed under the *Code*.

- Testing will only be acceptable in exceptional circumstances that are justified by the employer in accordance with the criteria established by the Supreme Court of Canada. An employer must show that testing achieves a purpose rationally connected to the work, such as preventing impairment in safety sensitive positions, and that the employer acted in good faith to achieve that purpose.

Drug testing does not determine impairment and may be justified only in the most unique circumstances. Alcohol testing may be more easily justified in safety sensitive positions.

There are very few court cases on this issue to date. Many situations that may arise in the normal workday have yet to be explored. The above policy constitutes the Commission's interpretation of what is currently required under the *Code*.

Policy Relating to Aboriginal People as a Designated Group Developed

Section 47 of the *Code* gives the Commission authority to approve programs designed to prevent, eliminate or reduce disadvantages experienced by groups of individuals, because of a prohibited ground of discrimination.

The Commission has approved equity plans for four groups: women, Aboriginal people, people with disabilities and visible minorities. All four groups have experienced historical inequities that have become entrenched within educational, economic and other systems. To address ongoing systemic discrimination against these groups the Commission has developed employment equity and education equity programs.

In November 2000, the Commission ratified a policy defining Aboriginal people as a designated group. In an ideal workplace, employees are hired and promoted based on their skills and abilities and without regard to ancestry or perceived race and the workplace environment is free of harassment. This is not the reality for most working age Aboriginal people. Achieving the ideal requires many initiatives including:

- anti-racism policies and procedures
- policies and activities to encourage respect for cultural diversity
- a support system for Aboriginal employees
- measures to address the glass ceiling with respect to Aboriginal persons
- partnerships with the Aboriginal community
- education on the rationale for equity initiatives

The long term goal of an employment equity plan is to achieve, at all levels of the workforce, representation of Aboriginal people that reflects the representation of working age Aboriginal people in Saskatchewan as a whole or in the community in which the employer operates.

CASHRA Activities

The Canadian Association of Statutory Human Rights Agencies (CASHRA) is an association established to provide a vehicle for communication and information sharing between governmental agencies whose mandate is to fight discrimination and promote human rights. The links Commissioners and staff have developed with their counterparts from across Canada have proven to be very useful.

Each year a national conference is hosted by one of the member human rights commissions. The 2000 conference was hosted by the Alberta Human Rights Commission and was held in Banff, May 6 – 9; the theme of the conference was "Building a Human Rights Culture: Tools for Transformation." The Chief Commissioner, two Commissioners and three staff members attended from the Saskatchewan Commission. A wide range of topics was discussed including human rights education, Aboriginal issues, hate speech and propaganda, freedom of expression, youth involvement and anti-racism initiatives.

At the annual business meeting, a resolution was passed by the membership, calling on the federal, provincial and territorial governments to commit to implementing legislative amendments and UN recommendations, necessary to ensure compliance with the UN Convention on the Rights of the Child.

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The Complaint Process: An Overview

People who believe they have been discriminated against in a way that is contrary to the *Code* may complain to the Commission. As well, a third party or the Commission itself may initiate a complaint.

The staff of the Investigations & Mediation Unit is responsible for receiving and investigating complaints. Intake staff receive complaints and assess whether the complaint falls within the jurisdiction of the *Code* and if there is a reasonable basis for believing discrimination occurred.

If those standards are met, the complaint is **formalized**. A complaint form is drafted and signed and moves to the resolution stage of the process. There are two ways to resolve a complaint: through early resolution or investigation.

Early resolution enables complainants and respondents to negotiate a settlement and dispose of a complaint without going through a full investigation. The parties may choose early resolution before the investigation begins or they may decide to attempt settlement partway through an investigation. The settlement process can be achieved by way of face to face mediation, shuttle negotiation or a combination of the two. In cases involving parties of Aboriginal ancestry, the Commission has begun utilizing talking circles. This concept, based on First Nations observances and chaired by Aboriginal elders, is intended to provide Aboriginal people with a more culturally relevant method of resolving human rights disputes.

If the parties do not settle early in the process, the Commission will conduct a full and impartial **investigation**. Investigators have the authority to interview people who may have information about a complaint and to examine relevant records and documents, including employee records.

If there is insufficient evidence to support the allegation, the complaint is dismissed. If there is enough evidence to support the complaint, the parties are once again invited to settle the matter.

If a settlement cannot be reached, the complaint is referred to the Commissioners who may direct the Minister of Justice to appoint an independent **board of inquiry** to conduct a formal inquiry. The board hears evidence from the complainant and the respondent. If there has been a violation of the *Code*, the board will order appropriate remedies.

"The investigation by the Commission is aimed solely at determining what took place and ultimately to settle the matter in a non-adversarial manner. The purpose of human rights proceedings is not to punish but to eradicate discrimination. Tribunal orders are compensatory rather than punitive. The investigation period in the human rights process is not one where the Commission "prosecutes" the respondent. The Commission has an investigative and conciliatory role until the time comes to make a recommendation whether to refer the complaint to the Tribunal for hearing. These human rights proceedings are designed to vindicate private rights and address grievances."

—SCC Decision in Blencoe

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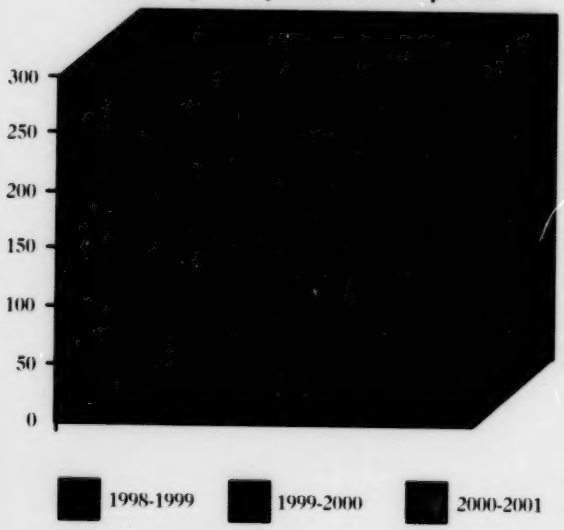
Complaint Resolution

The Investigations & Mediation Unit receives complaints of discrimination and investigates or mediates them. The parties to a complaint may agree to try mediation or early resolution at any point in the investigation. The Commission encourages individuals and organizations to try mediation as a way to resolve disputes.

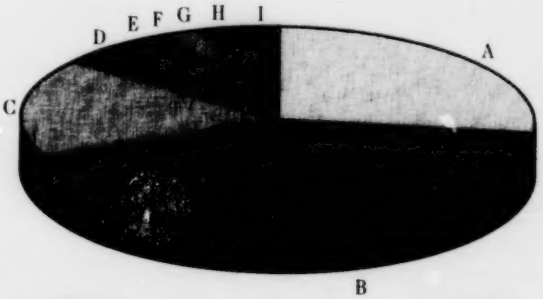
In 2000-2001, the Commission received over 3700 contacts from the general public relating to issues of discrimination. From that number, the Commission opened 272 investigation files, an increase of 28 percent over 1999-2000. These were added to the files carried over from the previous year. During the year, 235 complaint files were disposed of, approximately the same number as the year before.

Number of Complaint Files Opened



A detailed breakdown of the complaints, by ground and category, is given in Table 1, on page 24. Disability based complaints continued to occupy a significant portion of the unit's workload. The Commission received 109 complaints (40 percent) related to mental or physical disabilities. Many of these complaints revolve around an employer's duty to accommodate employees with disabilities. Consistent with this, the Commission has participated in a number of public education activities to help employers, employees and unions understand their legal obligations and the changes in the law in this area.

Gender based complaints including sex discrimination, gender harassment, and discrimination related to pregnancy accounted for 26 percent of our files. Ancestry and race-based complaints accounted for 17 percent of the files opened. More than 60 percent of the complaints came in the employment area, compared to 22 percent in public services and 4 percent in housing.



	Grounds	Number	Percent
A	Sex	70	25.7
	Includes 29 sexual harassment complaints		
B	Mental and Physical Disability	109	40.1
C	Race, Ancestry, Colour, Place of Origin	45	16.5
D	Family Status	12	4.4
E	Age	5	1.8
F	Sexual Orientation	3	1.1
G	Religion	6	2.2
H	Marital Status	7	2.6
I	Receipt of Public Assistance	6	2.2

Progress Toward Goals

The Commission has endeavored to resolve more files earlier in the process. A pilot project in 2000-2001 included assigning a facilitator to contact parties of new complaints to encourage them to try early resolution. The pilot project was considered successful. The unit resolved or disposed of 123 complaints at the intake stage and 26 additional files were resolved through early resolution.

At the investigative stage 98 files were completed or resolved and 14 files were closed at the legal stage after the investigation was complete. However, 197 files were carried into the new year, an increase of 23 percent over the previous year. This increase will have a significant impact on the Commission's work in the new fiscal year. A summary of the disposition of complaints is given in Table 2 on page 25.

Complaint Resolution

By resolving more complaints at the intake and early resolution stage, the Commission was able to keep its backlog of unassigned investigations below twenty. The Commission began a review of the complaint process in 2000-2001, with a view to streamlining the investigative process and continuing to resolve more files earlier.

Commission staff became more familiar with the database program implemented in the previous year. This system tracks investigative files and serves as a central storage depot for investigative material on the file.

Goals for 2001-2002

- streamline the investigative process
- resolve more files at the intake and early resolution stage
- maintain or reduce the backlog time
- move files to the board of inquiry stage sooner

Settlements

In 2000-2001, the Investigations & Mediation and Legal Units settled 57 complaints, 11 informally, 26 through early resolution, nine after an investigation and 11 after a board was directed (see Table 2 on page 25).

As the following samples of settlements demonstrate, the Commission is experiencing an increase in the number of cases related to pregnancy and disability. A failure to accommodate in these areas can result in allegations of discrimination. To avoid liability under the *Code* the Commission strongly recommends that employers inform themselves concerning their duty to accommodate employees with disabilities or employees who are pregnant.

Disability

Accessibility with dignity

Settlements negotiated by the Commission have resulted in improved accessibility to a hotel in Regina and a courthouse in Yorkton, for persons reliant on mobility devices.

The settlement with a hotel was the result of a complaint a woman brought against the hotel in 1996. She complained wheel chair users could not enter the hotel by a major entrance without barriers. The only accessible entrance was the service entrance in the alley. This case raised the issue of accessibility with dignity.

The hotel has installed a wheel chair lift that allows reasonable access. The hotel intends to provide wheel chair access through an elevator in a major entrance when construction of a new parkade adjacent to the hotel is completed.

The hotel also agreed to pay the woman $2,000 which she donated to the Council of Canadians with Disabilities.

In the second case, a woman who is a wheelchair user was asked to appear as a juror at the Yorkton Courthouse.

When she attended court, she discovered the second floor courtroom was not accessible. The courthouse did not have an elevator and the washrooms were not wheelchair accessible.

She asked to be excused from jury duty but the presiding judge refused her request. She was selected for jury duty and a person was hired to assist her up the stairs.

Because the courthouse was not wheelchair accessible, she complained to the Commission that she was discriminated against because of her disability.

In reaching a settlement, Saskatchewan Justice agreed to undertake measures to ensure the Yorkton courthouse would be barrier-free for persons reliant on mobility devices. The complainant and the Commission will receive periodic reports detailing the structural changes at the courthouse, and a final report when the facility is completed.

Employer failed to accommodate disabled employee

The Code requires employers to reasonably accommodate employees with disabilities.

The Commission negotiated a settlement between a rural municipality and one of its employees after the employee alleged his job was terminated because of his disability.

The man, who was a grader operator for a rural municipality, suffered a severe recurrent depressive disorder. When he attempted to return to work after a doctor recommended sick leave, he was told the municipality's elected council concluded his mental disability prohibited him from adequately performing his duties. The employer would not accommodate his need for further time off work.

The municipality agreed to pay the man $3,000 for injury to feelings and to distribute to present and future municipal councillors a copy of the Commission pamphlet, *A Guide to Accommodation*.

Disability prompted termination

Another settlement involved a woman who was fired from her job because her disability prevented her from working overtime.

The woman was employed as an annuity service representative. One year after she began work she was diagnosed with an illness that prevented her from working overtime and her work week was reduced to three days. She was given medical approval to return to a five day work schedule, but was told she should not work overtime hours.

The company considered overtime a necessary part of employment and gave the woman three months to find other employment with the company. At the end of three months she had not found another position and was subsequently terminated with a three months paid salary continuance. The company had a duty to work with the employee to determine if another position was available.

The company agreed to pay $1,000 to the woman as

compensation for injury to feelings and $6,750 for lost employment earnings.

Fired for revealing disability

A Saskatoon woman, employed as a secretary dispatcher, was fired from her job when her supervisors were told that she was on medication for fibromyalgia. Although the woman admitted she was on medication to treat the disease she denied a co-worker's allegations that the medication made her incoherent.

In reaching a settlement, the company agreed to pay the woman $2,000 and provided her with a letter of apology.

Job terminated while on disability leave

Another settlement involved an employee whose job was terminated when he attempted to return to work from a disability leave.

The man had been diagnosed as having a disability related to a nervous disorder and was on a six month disability leave when his doctor approved his return to work. The man was unable to return to his job because his employer had failed to hold the job open for him.

In reaching a settlement, the company agreed to pay the man $5,000 as compensation for injury to feelings and loss of self-respect and $22,527.08 for lost wages and benefits.

Medical condition forces end to rehabilitation

A man whose workers' compensation benefits were terminated because he stopped participating in a rehabilitation program on doctor's orders reached a settlement with the board.

The man suffered a workplace injury and was receiving benefits and attending a rehab program when a medical condition triggered by the original injury forced him to stop rehabilitation. As a result, the Workers' Compensation Board stopped his benefit payments.

The man argued he was being discriminated against because of his disability. The disability did not prevent him from working but did prevent him from participating in rehabilitation.

He agreed to a settlement and received $3,380.28 as compensation for lost workers' compensation benefits and $2,000 as compensation for injury to feelings and self-respect.

Sex Discrimination

Systemic discriminatory hiring

A settlement of a sex discrimination complaint at a department within the College of Arts and Sciences at the University of Saskatchewan has resulted in the College agreeing to implement an employment equity plan that better reflects the representation of qualified women in the labor market.

Five professors of a department alleged that systemic discrimination existed in the hiring of women in the department. They alleged that on two occasions, qualified female candidates for department positions were not hired, despite the department's participation in an employment equity plan and despite data indicating there were many qualified female applicants. Of the 16 member faculty, there were two female professors in the department at the time of the complaint.

As part of the settlement, the College agreed to give preference to female candidates in at least three of the next five available base budget faculty positions within the department. The department agreed to implement a new employment equity plan, approved by the College and University. The College also agreed to co-ordinate the organization of an employment equity conference.

Pregnant injured worker entitled to benefits

In a settlement negotiated by the Commission, the Workers' Compensation Board (WCB) agreed to review a board policy related to guaranteeing a pregnant woman's right to workers' compensation.

A woman suffered a workplace injury and began receiving compensation benefits. She was scheduled to undergo corrective surgery for the injury but that surgery was postponed when she became pregnant and could not be given an anesthetic. The WCB considered the pregnancy a non-work related circumstance and the woman was denied benefits until her pregnancy ended and she could undergo surgery. The woman argued that to deny her compensation because she could not have an operation, was discrimination because of pregnancy. The pregnancy did not prevent the woman from working; in fact she was working part time as part of her rehabilitation program.

The WCB agreed to review their policy to allow benefits to continue for pregnant women who are unable to undergo treatment or rehabilitation for workplace injury.

In addition the woman was paid $5,385 for lost benefits and other costs.

Pregnancy related illness results in firing

Three cases illustrate discrimination against women because of pregnancy.

In one instance, a waitress at a Saskatoon restaurant was required to take a month long absence from her job due to pregnancy complications. When she returned to work, she was terminated. In reaching a settlement, the restaurant owner agreed to pay the woman $3,100 compensation for lost employment income and $3,500 compensation for injury to feelings and self-respect.

In a second settlement a woman, on the advice of her physician, took a three week leave of absence from her job to recover from a pregnancy related illness. When she returned to her position, she was given one week's notice that her position was terminated. She received $1,000 as compensation for lost employment income and $5,000 for compensation for injury to feelings and self-respect.

The third settlement negotiated by the Commission involved a woman who worked as an assistant manager at a bingo hall. When the woman returned from maternity leave, her job was terminated. She received $1,500 as compensation and the manager of the bingo hall agreed to adopt and distribute a human rights policy to all its employees.

Religion

Comments made against woman's religion

A woman alleged she was discriminated against at her workplace because of her religion and sex. The woman, who worked in the office of a Regina company, complained that a supervisor made negative comments about her religious affiliation and crude sexual remarks.

In a settlement negotiated by the Commission the woman received $2,000 for injury to feelings. The company agreed to create a discrimination/harassment policy.

Ancestry

Man refused service because of race

An Aboriginal man agreed to a settlement of $1,000 and a letter of apology from a major grocery chain after he alleged he was discriminated against because of his ancestry.

The man attempted to purchase a bottle of mouthwash along with some cigarettes but was told by a clerk that company policy required a minimum order of $25 before a customer could purchase the mouthwash.

The next day the man's daughter, who is non-Aboriginal in appearance, entered the store and was able to purchase both cigarettes and mouthwash. She was not told of the $25 minimum order policy.

In agreeing to settle the company also circulated a memo outlining its human rights policy which stresses that company decision making must not be affected by negative racial stereotypes or presumptions.

Family Status

Man fired due to father's occupation

A man who alleged he was discriminated against because of his family status agreed to a settlement negotiated by the Commission.

The man had worked for a Regina company for two days when he was fired after company officials learned his father operated a competing business. He received $900 as a settlement from the company.

Woman evicted after giving birth

A woman who alleged she was discriminated against because of her family status, agreed to a settlement negotiated by the Commission.

The woman was evicted from her one bedroom suite in a Regina apartment block after she had a baby.

The owner of the apartment building agreed to pay the woman $2,000 and to attend a Commission sponsored education session devoted to explaining the relationship between landlords and families.

Board of Inquiry and Court Decisions

Board Decisions

Disability

Debby Darlene King v. CDI Career Development Institutes Ltd.

A board of inquiry ruled that Debby Darlene King had been discriminated against because of her disability.

King, who was an instructor with CDI, was diagnosed with a mental disorder and physical disabilities. King alleged her employer did nothing to accommodate her disabilities. Instead, the company terminated King, allegedly under a restructuring of the business. The proper response of CDI would have been to allow a leave of absence and not terminate.

The board agreed and awarded King $2,000 for the mental anguish she suffered and a further $2,000 for injury to feelings and self-respect. This decision is significant because it is the first time that a board has awarded compensation for mental anguish as a separate type of damages.

Diana Marie Shirley v. Eecol Electric (Sask.) Ltd.

A board of inquiry ruled that Diana Marie Shirley had been discriminated against because of her disability.

Shirley had been employed by the company when she suffered a traffic accident related injury that affected her ability to work. She enrolled in a rehabilitation program, with a planned gradual return to work. The insurer agreed to pay Shirley's salary during the rehabilitation period. Witnesses testified that a gradual return can be an effective way of providing an accident victim with the exercise necessary for a full recovery. The company, however, refused to take Shirley back unless she could work full time hours. No inquiries were made by the company concerning the safety or advisability of the return to work program.

Three months after the accident Shirley received notice of termination.

The board of inquiry determined Shirley had been discriminated against because of her disability and the company had a duty to accommodate her. It would not have been an undue hardship for the company to co-operate with the rehabilitation program.

The board ordered the company to pay Shirley $3,311.60 for lost wages and $3,000 compensation for injury to feelings and self-respect.

Sexual Harassment

Lucille Soulange Pilon v. Thomas Sharpe and Sharpe's Used Appliance Centre Ltd.

A Saskatoon woman told a board of inquiry she was discriminated against on the basis of her sex, by her employer when she worked for Thomas Sharpe at Sharpe's Used Appliance Centre Ltd.

The board heard Lucille Pilon tell of incidents during which Thomas Sharpe would rub or feel her legs.

The board found Pilon had been sexually harassed and ordered Sharpe and Sharpe's Used Appliance Centre Ltd. to pay $1,500 to Pilon.

Laura Lynn Isaac v. Nick Katsiris and Beef-Eaters Restaurant Ltd.

A board of inquiry heard from a Saskatoon waitress, that her supervisor had subjected her to sexual harassment.

Isaac told the board of inquiry of several incidents of physical and verbal harassment by her supervisor, Fred Nahorney.

The board determined Isaac had been harassed by Nahorney and that the company and the owner of the company were liable. The board ordered them to pay Isaac a total of $6,600.

Katsiris and Beef-Eaters Restaurant Ltd. appealed the decision to Court of Queen's Bench. A summary of the Court of Queen's Bench decision is reported in this Annual Report under Court Decisions.

Marital Status

Heather Ennis v. Prince Albert Elks Club Inc.

The Prince Albert Elks Club did not violate *The Saskatchewan Human Rights Code* when it fired a woman because her husband was an inmate at the Saskatchewan Penitentiary, a board of inquiry ruled.

Heather Ennis had been hired to manage the Club's lounge and had worked there for two weeks, when some Club members became aware of her marital status. Some Elks Club members who worked at the Penitentiary were concerned that Ennis would compromise their security.

The board determined that Ennis was discriminated against in that her termination was not related to her job performance. However, the definition of marital status discrimination excludes discrimination that results from a relationship with a particular person. The board ruled that Ennis had been fired because she was married to an inmate of the Penitentiary and that was not discrimination; the root of the problem was her relationship with a particular person.

The Commission believes the board interpreted the definition of marital status discrimination too narrowly and appealed its decision. The appeal is reported under court decisions.

Court Decisions

Sexual Harassment

Janet Leslie v. Saskatchewan Indian Gaming Authority and Eric Ackachuk

The Court of Queen's Bench ruled a board of inquiry appointed under *The Saskatchewan Human Rights Code* has jurisdiction to hear a complaint by Janet Leslie against the Saskatchewan Indian Gaming Authority (SIGA).

Leslie had complained to the Commission she was discriminated against because of her sex.

The employer challenged the board of inquiry's jurisdiction to hear the case.

Mr. Justice Paul Hrabinsky ruled that neither the fact that the casino is operated by a First Nations organization nor that it is located on a reserve prevents the application of provincial regulation such as *The Saskatchewan Human Rights Code*. While First Nations fall under federal jurisdiction and not provincial jurisdiction, SIGA's operation is not related to Indian status. Provincial regulation applies to all gaming enterprises operated in Saskatchewan.

Laura Lynn Isaac v. Nick Katsiris and Beef-Eaters Restaurant Ltd.

The Court of Queen's Bench overturned a board of inquiry decision that held the company owner liable for the actions of an employee who sexually harassed a female employee.

Isaac complained to the Commission that while working as a waitress at a Katsiris-owned restaurant she had been sexually harassed on an ongoing basis by her supervisor, Fred Nahorney.

A board of inquiry determined Isaac had been harassed and awarded her $5,100 for lost income and $1,500 for injury to feelings and self-respect. Katsiris appealed the decision.

The Court of Queen's Bench ruled that there was no evidence presented to the board of inquiry that Katsiris had knowledge of the supervisor's conduct. The ruling applied only to Katsiris. The company remained liable.

Marital Status

Heather Ennis v. Prince Albert Elks Club Inc.

The Court of Queen's Bench upheld a board of inquiry decision that determined Heather Ennis was not discriminated against because of her marital status.

Ennis had been employed as manager of the Prince Albert Elks Club for about two weeks in 1998 when club members learned she was married to David Ennis, an inmate at the Prince Albert Penitentiary. David Ennis was serving a life sentence for multiple murders.

Club members, who worked at the Penitentiary, testified at the board of inquiry they felt their security was compromised by Ennis' presence in the club.

The board ruled that Ennis was not discriminated against because of her marital status, but that her termination was the result of her relationship with a particular person. This decision is currently under appeal to the Court of Appeal.

Intervention at the Supreme Court

The Saskatchewan Human Rights Commission joined five other human rights commissions to intervene in *British Columbia Human Rights Commission v. Robin Blencoe*, before the Supreme Court. In 1995, two women alleged that they were sexually harassed by Blencoe when he was a minister in the B.C. provincial government. The case attracted much public attention and Blencoe was removed from cabinet and the government caucus. More than two years elapsed before a hearing was set to commence before a human rights tribunal.

Blencoe argued in the B.C. Court of Appeal that his right to liberty and security of the person, protected by section 7 of the *Canadian Charter of Rights and Freedoms*, was violated when the B.C. Human Rights Commission took too long to process these complaints. The Appeal Court agreed and prohibited the tribunal from proceeding. But, in October of 2000, the Supreme Court of Canada reversed this decision. It held that the B.C. Commission and the tribunal were subject to the *Charter* but that the delay alone did not constitute a violation of Blencoe's liberty and security. Any notoriety that surrounded the case, and the consequent aggravation for Blencoe and his family, resulted from his high profile position and the response by the press. It did not result from any action by the tribunal or Commission.

Delays may occur for many reasons as complaints are processed through screening, mediation attempts, investigation, legal analysis and referral to a hearing. Complainants have no control over these steps. The Saskatchewan Commission intervened to argue, specifically, that the complaint process is designed to protect the rights of all parties including respondents. The problem of delays cannot be solved by taking away the right of complainants to have their allegations heard.

Employment Equity

Section 47 of the *Code* calls upon the Commission to take a proactive approach to equality by approving and monitoring voluntary equity plans. To date, the Commission has approved equity initiatives in the areas of employment and education.

The underlying vision of employment equity is an inclusive workplace that enables all groups to contribute to Saskatchewan's economic well-being. One method of achieving this vision is to develop a workforce that mirrors the working age population as a whole.

The Commission's employment equity program focuses on four "designated groups" who have not had equal access to jobs and promotions: women, Aboriginal people, visible minorities and people with disabilities.

In a representative Saskatchewan workforce, 45 percent of employees would be female, 12.2 percent would be Aboriginal, 9.7 percent would be people with disabilities, and 2.8 percent would be members of visible minorities.[1] Women and visible minorities are employed in representative numbers by many employers, but are concentrated in low paid positions or excluded from decision making. Even among employers with approved equity plans, Aboriginal people make up only 6.9 percent of the workforce and people with disabilities only 3.3 percent. The gaps may continue to grow as demographics change. For example, the Aboriginal working age population of Canada is expected to grow an average of 2.3 percent annually.[2]

Employment equity affects not only the make-up of the workforce but also the quality of working conditions. The impact of flextime, parental leave and anti-harassment policies, for instance, goes far beyond the four designated groups. By promoting diversity, employers create respectful and accommodating workplaces that benefit everyone.

Changes to the Monitoring Process

The Commission currently monitors 35 employers with over 42,000 employees (see Table 3 on page 26). Because the number of equity plans has multiplied over the past twenty years the Commission continues to streamline and modify its review process.

In 1998, the Commission introduced a three-year monitoring cycle involving in-depth review of one-third of equity employers every year. In July 2000, the Commission began issuing terms and conditions of continued approval to equity employers every three years instead of annually. Employers are still asked to submit reports every year. For the first two years of the monitoring cycle, however, they are asked for interim reports consisting only of statistical information and a work plan for the coming year. Employers must provide a comprehensive report every three years, when the Commissioners review their plans.

This year, the Commission conducted a comprehensive review of the following employers: Community Health Services (Saskatoon) Association Ltd., The Co-operators, John Howard Society, P.A. Co-operative Health Centre, Regina Women's Community Centre and Sexual Assault Line, Saskatchewan Research Council, Saskatchewan Teachers' Federation, University of Regina and University of Saskatchewan.

In March 2001, the Commission approved an employment equity plan developed by the **Saskatchewan Institute of Applied Science and Technology (SIAST)**.

SIAST is a large employer, with over 1800 employees. Employment equity works best when it is a cooperative venture, with management and employees working together towards the creation of a representative workforce. The SIAST plan was produced by a joint union-management process with the Saskatchewan Government Employees' Union (SGEU), and makes ongoing implementation of employment equity the responsibility of management and the union.

Weyerhaeuser recently acquired operations at Carrot River, Hudson Bay, Regina and Saskatoon, and in 2001 its plan was expanded to cover all seven operating sites within the province. Weyerhaeuser is one of Saskatchewan's larger private employers. Because most employers in the Commission's voluntary program are from the public sector, Weyerhaeuser's support for employment equity is particularly significant.

Progress of the Designated Groups

In 2000-2001, women comprised 47 percent of the total sponsor workforce. While this exceeds the Commission's 45 percent goal, women continue to be concentrated in entry level and clerical positions.

1. Based on 1996 Statistics Canada census data. Percentages for visible minorities are 5.2 percent and 5.4 percent, respectively, for Saskatoon and Regina. The figure for people with disabilities includes those with moderate to severe disabilities, and is based on Statistics Canada's 1991 Health and Activity Limitation Survey.
2. Michael Mendelsohn and Ken Battle, Aboriginal People in Canada's Labour Market, Caledon Institute of Social Policy.

Aboriginal people made up 6.9 percent of the total sponsor workforce, up from 6.6 percent the previous year and 2.9 percent in 1993, the year of the Commission's first summary report. Though the figures show solid progress, they are still far from the Commission's current long-term goal of 12.2 percent. Moreover, the long-term goal will increase every year because the Aboriginal population is growing more quickly than the non-Aboriginal population. Renewed efforts are clearly needed to increase their participation in the workforce.

People with disabilities continue to benefit least from employment equity initiatives. Their representation in the total sponsor workforce was 3.3 percent in 2000-2001, showing no improvement from the previous year. This figure is about one-third of the Commission's long-term goal of 9.7 percent. Like the increase in complaints based on disability, it graphically illustrates the barriers to equality faced by people with disabilities.

Visible minorities represented 3.0 percent of the sponsor workforce, up from 2.9 percent the year before. This percentage is slightly higher than the 2.8 percent goal for Saskatchewan as a whole. However, visible minority employees are concentrated in sponsor workplaces in Saskatoon and Regina, where visible minorities represent over 5 percent of the working-age population.

All four designated groups are underrepresented at senior levels. Women represented 33.3 percent of management positions, Aboriginal people 3.6 percent, people with disabilities 3.1 percent and visible minorities 2.5 percent.

Employment Equity Consultations

In January and February 2001, the Commission organized day-long employment equity consultations in Regina and Saskatoon. Approximately 100 representatives of equity employers and community organizations attended each event.

Participants discussed effective recruitment measures, barriers to hiring, retention and promotion; the roles of employers, community agencies and the Human Rights Commission in achieving employment equity; methods of creating a supportive work environment; and ways of measuring success. A summary of the community consultations is available on request.

SEEPA Hosts National Conference

The Saskatchewan Employment Equity Practitioners' Association (SEEPA) promotes workplace diversity and facilitates the professional development of its members. Recently, SEEPA and the Commission have alternated responsibility for organizing annual employment equity events.

In June 2000, SEEPA hosted the first national employment equity and diversity conference to be held in Saskatchewan. The three-day event, entitled "Opportunities and Challenges" was held in Regina and attended by approximately 300 people.

Keynote speakers included some of the most significant voices in the employment equity field. The Honourable Flora MacDonald was instrumental in introducing Canada's first employment equity legislation, at the federal level. Researcher, writer and human rights expert Shelagh Day, who co-authored material cited by the Supreme Court of Canada in the influential Meiorin decision[3], discussed the duty to accommodate. Paul Martin, a former journalist specializing in business issues, underlined the connection between workplace diversity and Saskatchewan's future labour market needs. Workshops covered a broad range of topics including union-management partnerships, the federal contractors program, anti-harassment policies and ways of dealing with backlash.

Goals for 2001-2002

- continue to build and strengthen partnerships with equity employers, government agencies and organizations that support human rights principles and equity initiatives
- work with employers to increase the number of approved equity plans
- continue to refine and improve the monitoring process

3. British Columbia (Public Service Employee Relations Commission) v. B.C.G.S.E.U.,[1999] 3 S.C.R. 3, 176 D.L.R. (4th) 1, 35 C.H.R.R. D/257.

Education Equity

K to 12 Program

The Commission launched an education equity program for Aboriginal students in 1985 in response to research indicating that as many as 90 percent of Aboriginal students left school before completing Grade 12.

Aboriginal children were not receiving the same benefits from the educational system as their non-Aboriginal classmates. The Commission asked school boards with significant numbers of Aboriginal students to develop education equity programs under section 47 of the *Code*. Programs focused on five areas: curriculum; school policies and practices; parental involvement; cross-cultural training for teachers; and efforts to increase the number of Aboriginal teachers.

By 1989 most school boards with significant enrollments of Aboriginal students had equity plans. These plans have evolved over time and many now include anti-racism or anti-discrimination policies, training for all staff and procedures to deal with discriminatory incidents. They also encourage the recruitment of Aboriginal people among non-teaching staff.

There are currently 17 approved plans in K to 12 school divisions including approximately 76,000 students, 21 percent of whom are of Aboriginal ancestry. A list of the current education equity plans is given in Table 4 on page 27.

Education Equity Forum

The success of the Commission's education equity program has depended on many partnerships forged over the years with educational institutions and community groups. In 1994, as a result of a commitment by Saskatchewan Education to provide leadership in promoting equity in the province's education system, the Equity in Education Working Committee was formed. This committee was composed of representatives from the Commission, Saskatchewan Education, Saskatchewan School Trustees Association, Saskatchewan Teachers' Federation, League of Educational Administrators, Directors and Superintendents, Gabriel Dumont Institute, the University of Saskatchewan and the University of Regina. In 1997 this committee became the Equity in Education Forum.

During 2000, the Equity in Education Forum began preparing a handbook entitled: *Equity in Education: Planning for Action*. This handbook will provide practical assistance to members of the K to 12 educational community and will build on the policy framework outlined in an earlier document entitled: *Our Children, Our Communities and Our Future*. The handbook is scheduled for distribution in 2001.

An education equity conference in Regina in November 2000 focused on the theme "Equity and Values in Our Schools." Sessions included roundtable discussions on bullying, sexual harassment, boys' achievement, best practices for Aboriginal students, students with intellectual disabilities, and gay and lesbian students. Over 100 people attended the conference, which was considered a success. Organized by the Equity in Education Forum, this event reflected the responsibility that all Forum partners now take for achieving equity in our schools.

Post-Secondary Program

Although most post-secondary education equity plans refer only to Aboriginal people, some programs have a broader mandate. For example, the College of Arts and Science at the University of Saskatchewan has an equity program for female students in the math and natural science departments. The Saskatchewan Institute of Applied Science and Technology (SIAST) program covers all four designated groups.

The Commission monitors all post-secondary programs on an annual basis.

Goals for 2001-2002

- increase the number of approved equity plans
- expand equity plans to comply with the policy framework of the Equity in Education Forum
- continue to build and strengthen effective partnerships with educational institutions, educational agencies and other organizations supportive of education equity

Public Education

Public education is a vital part of the Commission's mandate. The *Code* directs the Commission not only to investigate complaints, but also to do educational work that will prevent discrimination from occurring.

The Commission provides public education about human rights through print materials such as newsletters and pamphlets, through speaking engagements at meetings, conferences and workshops, through networking and the media and through the internet.

The Commission's web site can be found at www.gov.sk.ca/shrc. It contains Commission policies, pamphlets, recent issues of the SaskRights and Equity Forum newsletters, an article index and a list of videos available for loan. Links to other human rights web sites are provided. *The Saskatchewan Human Rights Code and Regulations* can be viewed or downloaded from the website.

The Commission sees a need for much greater public education than its budget permits. Over time, the Commission's educational resources have diminished because of the growing need to allocate funds to the complaint system. In 2000-2001, the Commission provided 157 presentations. The Commission receives many more requests for public education than it is able to accommodate. Employers, educators, unions, community organizations and others have expressed a need for more print materials, electronic information, presentations, policy guidance and staff training. A summary of the Commission's education activities is given in Table 5 on page 28.

Educational Activities in 2000-2001

The following are examples of the many educational activities and presentations undertaken this year:

- The Chief Commissioner addressed the Northern Health Districts Conference and Annual Meeting in Prince Albert.
- The Chief Commissioner made a presentation in Vancouver at the International Association of Human Rights Agencies' Conference on the Saskatchewan Commission's use of talking circles as an alternative form of dispute resolution in Aboriginal ancestry complaints.
- Several presentations were made to Grade 11 and 12 students in Law 30 and Work Education classes and to adult students in work readiness programs.
- Staff conducted an interactive workshop on sexual harassment at a Youth for Human Rights Conference held in Saskatoon. Approximately 50 high school and university age youth from across the province attended the day long conference.
- Staff conducted presentations to recruits at the Saskatchewan Police College in Regina.
- Staff presented information on the duty to accommodate and on drug and alcohol testing to approximately 30 representatives of building trades unions.
- At the request of the Community Living Division of Saskatchewan Social Services, staff delivered three human rights presentations to more than 100 human services staff working with people with intellectual disabilities.
- Staff made two presentations on harassment to 120 employees of the Saskatoon Community Clinic.
- Staff presented information on the rights of persons with disabilities to over 40 people at the annual general meeting of the Family Network of the Saskatchewan Association on Community Living.
- Staff provided a presentation to the staff of several Prince Albert hotels on the duty to prevent racial harassment of staff by customers.

Human Rights in the Workplace

The Saskatchewan Human Rights Commission and the Saskatchewan Association on Human Rights co-sponsored a seminar for business and unions on human rights issues in the workplace.

Approximately 70 union representatives and private and public sector employees attended the day long seminar in Saskatoon in November.

The Commission's solicitor presented an overview of the drug and alcohol testing policy that had been ratified by the Commission. Information on job accommodation, the *Code*, Commission procedures, harassment and pre-employment inquiries was discussed.

Commission statistics indicate about 60 percent of complaints to the Commission originate from workplace incidents. The Commission sees the workplace seminars as a way of preventing human rights violations from occurring.

Educational Partnerships

The Commission actively promotes sharing responsibility for human rights protection with other groups and agencies in the community. During 2000-2001 the Commission undertook the following joint educational projects:

- Commission staff, together with representatives from other agencies including the Saskatoon Indian and Métis Friendship Centre and the City of Saskatoon's race relations department participated in the planning of National Aboriginal Day in Saskatoon.
- The Commission collaborated with Amnesty International Saskatoon branch to stage a candlelight march December 10 to commemorate the Universal Declaration of Human Rights.
- Commission staff were involved in planning sessions for March 21 events in Regina and Saskatoon. In Saskatoon, the Commission worked with the Saskatchewan Intercultural Association, Saskatoon Police Service, Saskatoon Inner City Ministry and the Community Outreach and Education Centre to organize talking circles at the Saskatoon Indian and Métis Friendship Centre on "Building Peace and Justice in the Community." Staff and Commissioners in both cities attended events to commemorate March 21, the International Day for the Elimination of Racial Discrimination.

Print Materials

The Commission produces and distributes educational material including pamphlets on human rights topics and Commission procedures, guidelines, reports, policies and other print materials to assist the public in understanding human rights issues and the *Code*.

In 2000-2001, staff responded to more than 3700 inquiries about the *Code*, human rights issues and Commission activities. The Commission handled 78 media calls and issued several news releases about settlements, boards of inquiry and equity programs. Editorials on human rights topics were prepared monthly for distribution to about 65 weekly newspapers in the province. The Commission also developed a fact sheet on employment equity in Saskatchewan.

An editorial opinion from the Chief Commissioner to commemorate March 21, the International Day for the Elimination of Racial Discrimination, was published in the province's two largest daily newspapers.

Human Rights Are Everyone's Business

"Human rights are everyone's business" is the message of a poster developed by human rights commissions across Canada. The poster was launched May 8, 2000 during the annual national conference of human rights agencies, in Banff, Alberta.

This initiative is noteworthy because it is the first collaborative project undertaken by Canadian human rights commissions to promote human rights and diversity.

The theme was chosen with the workplace in mind. Human rights violations in Canada occur most frequently in the area of employment.

Projects of this kind allow Canadian human rights commissions to share resources and present a united front against discrimination. Commissions will continue to co-operate on public education projects in the future.

Copies of the poster can be obtained by contacting Commission offices in Saskatoon or Regina.

Goals for 2001-2002

- develop partnerships with community organizations
- increase public education in rural areas, in urban centres outside Regina and Saskatoon, and in northern communities
- develop a strategic plan for public education

Exemptions

The Commission has the authority to grant exemptions from the *Code* to allow individuals and organizations to carry out activities or give preferential treatment that would otherwise violate the *Code*. Exemptions are granted when the Commission considers an exemption to be "necessary and advisable", to promote human rights principles of fairness and equality or to complement an existing equity program.

In 2000-2001 the Commission received 21 new applications for exemptions and granted 19. Exemptions were granted from Section 12 (public services), Section 13 (education), Section 15 (contracts), Section 16 (employment) and Section 19 (pre-employment advertisements, job applications and job interviews). At the end of March 2001, there were 181 active exemptions compared with 203 one year earlier (see Table 6 on page 28). The number of exemptions has been decreasing as more employment equity plans are approved.

During 2000-2001 exemptions were granted to employers, educational institutions, business owners, camps and museums in situations like the following:

- The Commission granted an exemption to a camp in order to meet the needs of a gender balanced team to be matched with young campers of the same gender.
- The Commission granted an exemption to Saskatchewan Post-Secondary Education and Skills Training for a number of training programs to allow preference to be given to people on social assistance.
- The Commission granted an exemption to the Central Urban Metis Federation Inc. to give preference to hiring a person of Aboriginal ancestry in the position of Spiritual Healing Co-ordinator.
- The Commission granted an exemption to an investigations company to hire a female employee to carry out surveillance of women.
- The Commission granted an exemption to Off-The-Wall Productions to hire a person with a mental or physical disability.

The process of applying for an exemption is usually straightforward, fast and informal. Where appropriate the Commission consults with unions in the workplace and other stakeholders who may have an interest or concerns about the exemption. Typically, the Chief Commissioner and Director consider and decide most applications within a month, referring more complex applications to the Commissioners.

The Commissioners may hold a hearing if requested by someone with a direct interest in the application or if the Commission believes that a public exploration of the facts and issues is required. Exemptions are granted for a limited period of time and may be renewed. A Commission decision on an exemption can be appealed to the courts.

Exemption Trends

Commissioners

The Saskatchewan Human Rights Commissioners are appointed by the Lieutenant Governor in Council (Cabinet) for a five-year term.

Commissioners met 10 times in 2000-2001 to set policy, review complaints, ratify settlements, refer complaints to a board of inquiry, grant exemptions and review applications for employment and education equity plans.

Commissioners also participate in many community events dealing with human rights issues and actively liaise with non-governmental organizations working to advance the cause of human rights.

Donna Scott
Chief Commissioner and Director

Donna Scott was appointed as Chief Commissioner and Director of the Commission in October of 1996 and was reappointed in November of 1997.

Ms. Scott received her B.A. and LL.B. from the University of Saskatchewan. She was admitted to the Saskatchewan Bar in 1982 and engaged in the private practice of law until becoming a Crown Solicitor with Saskatchewan Justice in 1986. She served as Crown Counsel, Local Registrar for the Unified Family Court and provincial Coordinator of the Family Law Division.

Ms. Scott has served on a number of departmental and interdepartmental committees related to family law and human rights matters. She has presented at seminars and university classes as well as provincial, national and international conferences on matters related to family law, children's rights, human rights and equity issues.

Ms. Scott has served on the board of directors of the Elizabeth Fry Society and is currently President of the Public Legal Education Association for Saskatchewan.

Lynn Archdekin
Commissioner

Lynn Archdekin is a Saskatoon businesswoman who has a diverse background in the business arena and an extensive knowledge of employee benefits. She has two professional designations, a CEBS (Certified Employee Benefit Specialist) and a FLMI (Fellow of the Life Management Institute). Ms. Archdekin brings her experience and perspective as a wheelchair user to her role as Commissioner and is an active member of the Canadian Paraplegic Association. She was first appointed in 1993 and was designated Deputy Chief Commissioner in 1996. Ms. Archdekin was reappointed in 1998.

Marjorie Hutchinson
Commissioner

Marjorie Hutchinson has extensive experience in human rights and labour issues. A long time trade unionist, she was actively involved in the Office and Professional Employees International Union where she acted as shop steward and member of the negotiating committee and the women's committee. Ms. Hutchinson has facilitated courses sponsored by the Canadian Labour Congress. She was appointed to the Commission in 1994 and reappointed in 1999.

Christine Lwanga
Commissioner

Christine Lwanga has worked on numerous projects dealing with racism and minority rights. She has been Executive Director of the Saskatoon Chapter of Immigrant Women of Saskatchewan, Program Director of the Saskatoon Multicultural Council and Executive Director of the Saskatchewan Coalition Against Racism. Ms. Lwanga continues to be active in the multicultural community and is a past-president of the African Association of Regina and past-president of Immigrant, Refugee and Visible Minority Women of Saskatchewan. She has worked with the visible minority community including the Multicultural Council of Saskatchewan and was invited to sit on the South Saskatchewan Community Advisory Committee on Immigration. She has a degree in social work and a Masters degree in Business Administration (MBA). Ms. Lwanga was appointed to the Commission in 1994 and reappointed in 1999.

Darren Winegarden
Commissioner

Darren Winegarden is a partner in the newly formed legal practice of Opekokew Winegarden in Saskatoon. He is a member of the Kawacatoose First Nation. Mr. Winegarden received his Bachelor of Arts from the University of Saskatchewan in 1988 and his Bachelor of Laws from the University of British Columbia in 1991. Mr. Winegarden has worked with several First Nations, Tribal Councils and affiliates on a variety of matters including policy and management. His law firm specializes in the area of First Nations law on a variety of policy, management and criminal matters. Mr. Wingarden was appointed to the Commission in 1998.

Commission Staff

Professional human rights staff and administrators carry out the Commission's daily business. In 2000-2001, the Commission had the equivalent of 19.7 full-time positions including individuals who worked full-time, part-time, casual or in term appointments.

Saskatoon Staff

Shelley Bartram, Human Resource Coordinator

Jan Cadman, Secretary

Linda Charlton, Investigator/Facilitator

Pat Cook, Intake Consultant

Terry Craig, Communications Coordinator

Faye Davis, Investigator/Facilitator

Dianne Derkson, Secretary

Lois Henderson, Budget Coordinator

Tim Korol, Investigator/Facilitator

Genevieve Leslie, Education and Equity Advisor

Bev MacSorley, Secretary

Kaye Munro, Secretary

Yoanna Orman-Cleveland, Secretary

Gerry Parenteau, Investigator/Facilitator

Bill Rafoss, Supervisor of Investigations

Karen Ross, Secretary

Laurie Adrian Rude, Investigator/Facilitator

Milton Woodard, Q.C., Senior Staff Solicitor

Regina Staff

John Abraham, Investigator/Facilitator

Mary Adede, Investigator/Facilitator

Heidi Chan, Secretary

Laurena Daniels, Intake Consultant

Pat Danforth, Education and Equity Advisor

Amanda Davies, Education and Equity Advisor

Lisa Donovan, Secretary

Donalda Ford, Assistant Director

Jenny Heeg, Investigator/Facilitator

Don Howden, Investigator/Facilitator

Maria Majano-Ponce, Secretary

Robin McMillan, Investigator/Facilitator

Fran Passmore, Education and Equity Advisor

Mirjana Topalovic, Secretary

Pearl Ulmer, Secretary

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Statistical Tables

Table 1
Summary of Complaints Received by Ground and Category 2000-2001

Category	Age	Aboriginal Ancestry	Other Ancestry	Marital Status	Mental Disability	Physical Disability	Religion	Sexual Harassment	Sex/Other	Sex/Pregnancy	Family Status	Sexual Orientation	Public Assistance	N/A	Total	Percent
Application Forms	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	1.8
Bill of Rights	0	0	1	0	0	1	1	0	0	0	0	1	0	1	5	1.8
Contracts	0	0	0	0	0	1	0	0	0	2	0	0	0	0	3	1.1
Education	0	1	0	0	1	5	2	0	1	0	0	0	0	0	9	3.3
Employment	3	4	22	2	9	59	3	28	8	17	10	0	0	3	172	63.2
Housing	0	1	0	0	2	2	0	0	0	0	0	0	5	0	10	3.7
Occupations	0	0	2	0	0	0	0	0	0	0	0	1	0	0	3	1.1
Professional & Trade Associations	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.4
Public Services	2	7	7	4	3	24	0	0	4	0	1	1	1	0	59	21.7
Publications	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.4
Purchase of Property	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.4
Reprisals	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0.4
Trade Unions	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0.7
Total	5	12	33	7	15	94	6	29	13	28	12	3	6	9	272	100
Percent	1.8	4.4	12.1	2.6	5.5	34.6	2.2	10.7	4.8	10.3	4.4	1.1	2.2	3.3	100	

1. Other Ancestry includes colour, nationality, place of origin and perceived race.
2. Religion includes creed.

Statistical Tables

Table 1
Summary of Complaints Received by Ground and Category 2000-2001

Category	Age	Aboriginal Ancestry	Other Ancestry[1]	Marital Status	Mental Disability	Physical Disability	Religion[2]	Sexual Harassment	Sex/Other	Sex/Pregnancy	Family Status	Sexual Orientation	Public Assistance	N/A	Total	Percent
Application Forms	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	1.8
Bill of Rights	0	0	1	0	0	1	1	0	0	0	0	1	0	1	5	1.8
Contracts	0	0	0	0	0	1	0	0	0	2	0	0	0	0	3	1.1
Education	0	1	0	0	1	5	2	0	1	0	0	0	0	0	9	3.3
Employment	3	4	22	2	9	59	3	28	8	17	10	0	0	3	172	63.2
Housing	0	1	0	0	2	2	0	0	0	0	0	0	5	0	10	3.7
Occupations	0	0	2	0	0	0	0	0	0	0	0	1	0	0	3	1.1
Professional & Trade Associations	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.4
Public Services	2	7	7	4	3	24	0	0	4	0	1	1	1	0	59	21.7
Publications	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.4
Purchase of Property	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.4
Reprisals	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0.4
Trade Unions	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0.7
Total	5	12	33	7	15	94	6	29	13	28	12	3	6	9	272	100
Percent	1.8	4.4	12.1	2.6	5.5	34.6	2.2	10.7	4.8	10.3	4.4	1.1	2.2	3.3	100	

1. Other Ancestry includes colour, nationality, place of origin and perceived race.
2. Religion includes creed.

Table 2
Complaint Statistics 2000-2001

Complaints carried into the report period[1]		**160**
Files opened during year		272
Disposition of files		
Number disposed of at informal stage		123
settled	11	
not pursued	57	
no grounds	44	
other	11	
Number disposed of at formal stage		98
settled in early resolution	26	
settled after investigation	9	
dismissed	55	
withdrawn	7	
other	1	
Number disposed of at legal stage		14
settled after board directed	11	
board decisions	3	
Total disposed files		235
Number of complaints directed to board of inquiry		12
Files carried forward to next fiscal year[2]		**197**

1 The number of files being worked on by the investigation unit at the end of March 2000
2 Complaints carried into report period plus files opened less total dispositions

Note: Due to changes in database software, the numbers in Table 2 include files handled by both the Investigations & Mediations unit and the Legal Unit.

Table 3
Employment Equity Plans at March 31, 2001

	Employees	*Date Approved*
Saskatchewan Human Rights Commission	33	January 1980
Saskatchewan Telecommunications	4,246	October 1982
Saskatchewan Government Insurance	1,588	February 1984
Information Systems Management Corporation	n/a	December 1984
The Co-operators	507	August 1985
City of Regina	2,279	February 1987
City of Saskatoon	2,470	February 1987
Government of Saskatchewan (out of scope)		June 1987
Government of Saskatchewan (SGEU)	13,021	November 1988
Government of Saskatchewan (CUPE)		July 1989
Saskatchewan Teachers' Federation	89	January 1991
Prince Albert Co-operative Health Centre	99	October 1991
Regina Police Service	451	March 1992
University of Saskatchewan	4,010	September 1992
Saskatchewan Research Council	217	December 1992
Saskatchewan Legal Aid Commission	141	March 1994
SaskEnergy Incorporated	984	March 1994
Regina School Division No. 4	2,037	March 1994
Saskatchewan Transportation Company	234	August 1994
Saskatchewan Water Corporation	229	August 1994
Saskatchewan Wetland Conservation Corporation	26	September 1994
Saskatchewan Property Management Corporation	1,093	February 1995
Crown Investments Corporation	74	March 1995
Saskatchewan Power Corporation	2,452	August 1995
Northlands College	113	September 1995
Saskatchewan Communications Network	22	February 1996
Community (Saskatoon) Health Services Association	128	June 1996
John Howard Society	n/a	June 1996
Saskatchewan Opportunities Corporation	90	November 1996
Saskatchewan Crop Insurance Corporation	484	May 1997
City of Prince Albert	394	May 1997
University of Regina	1,089	October 1997
Regina Women's Community Centre	7	March 1998
Saskatchewan Gaming Corporation	607	January 1999
Weyerhaeuser Canada	1,649	March 1999
Law Society of Saskatchewan	22	November 1999
SIAST	1,825	March 2001
Total Employees	42,710	

Table 4
Education Equity Plans at March 31, 2001

K-12 School Division	Date Approved
Saskatoon Catholic	May 1987
Indian Head	June 1987
Meadow Lake	August 1987
Northern Lakes	August 1987
Saskatoon Public	August 1987
Regina Catholic	October 1987
Biggar	December 1987
Cupar	January 1988
Wadena	May 1988
Northern Lights	September 1988
Broadview	November 1988
Prince Albert Catholic	February 1989
Scenic Valley	February 1998
Turtleford	June 1998
LandsWest (formerly Kerrobert and Wilkie Public)*	
North West Catholic (formerly North Battleford Catholic, Unity Catholic and Wilkie Catholic) *	
Battlefords School Division #118 (formerly North Battleford Public school Division #103 and Battleford Public School Division #58)*	
Total Students (approximate)	**75,973**

* These divisions were formed in 1997 with the merger of several school divisions, including some that already had approved education equity plans. The plans continued in effect upon merger.

Post-Secondary	Date Approved
Gabriel Dumont Institute (GDI) Saskatchewan Urban Teacher Education Program (SUNTEP)	August 1980
Northern Teacher Education Program/Northern Professional Access Program (NORTEP/NORPAC)	September 1981
Gabriel Dumont Institute (Preparatory, Technical and University Programs)	September 1983
College of Arts and Science, University of Saskatchewan	February 1988
Saskatchewan Institute of Applied Science and Technology (SIAST)	May 1990
College of Nursing, University of Saskatchewan	January 1991
College of Medicine, University of Saskatchewan	January 1993
College of Pharmacy and Nutrition, University of Saskatchewan	August 1994
College of Dentistry, University of Saskatchewan	April 1995
School of Physical Therapy, University of Saskatchewan	September 1996
Western College of Veterinary Medicine	September 1997

Table 5
Education Activities in 2000-2001

Media Contacts	78
News Releases	9
Presentations/Community Consultations	157
Displays	2
Video Loans Requested	61

Table 6
Exemptions

	1998-1999	1999-2000	2000-2001
Applications	20	17	21
Granted	18	16	19
Active	230	203	181

Table 7
Capital Assets and Financial Expenditures, 2000-2001

Capital Assets

	Cost	Accumulated Amortization	Net Book Value March 31, 2001
Office Furniture	$13,216	$2,478	$10,738
Office Equipment	$12,619	$4,908	$7,711
Computer Hardware	$72,842	$62,811	$10,031
Computer Software	$11,450	$7,633	$3,817
Total	**$110,127**	**$77,830**	**$32,297**

Financial Expenditures by Unit for 2000-2001

Operations	$245,569
Complaint Processing	$646,070
Public & Special Programs	$284,211
Total	$1,175,850

NOTES:

1. This statement has not been audited. However it is consistent with financial information provided to the Commission by the Department of Justice.
2. All expenditures, including salaries, services, materials, travel expenses, etc. are allocated among the units.
3. The salaries of the Chief Commissioner/Director, Assistant Director and secretaries are allocated among all units. Salaries in each unit include the following:

- Operations: budget coordinator and human resources coordinator
- Complaint Processing: intake consultants, investigator/facilitators, supervisor of investigations and senior staff solicitor
- Public & Special Programs: education and equity advisors, communications coordinator

Commission Offices

References

Blencoe v. British Columbia Human Rights Commission [2000] S.C.J. No. 43

Canadian Bar Association – British Columbia Branch, Human Rights Working Group; Ontario Human Rights Commission Research Paper. *Human Rights Commissions and Economic and Social Rights*. April 2000.

Ignatieff, Michael. 2000. *The Rights Revolution*. p. 1, 2, 33 and 49

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"...having rights means respecting the rights of others. Respect doesn't have to mean sympathy, friendship, or fellow feeling...Respect actually means listening to something you'd rather not hear, and listening must include the possibility of recognizing that there may be right on the other side."

—Ignatieff, p. 33

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